

**Remarks**

Claim 19 is cancelled, claims 1-7, 12, 13, 15-18, 22, 40, and 42 are amended, and claims 44-52 are added herein. Claims 1-18, 20-25, and 40-52 will be pending upon entry of this amendment.

The following remarks are responsive to the Office action mailed June 12, 2006.

Applicants acknowledge the indicated allowability of claims 14-17 and 19. Claims 14, 16, and 17 have been rewritten in independent form as claims 47-49 respectively, but without the features recited in intervening claims 8-11 because these features are submitted to be unnecessary to the patentability of claims 47-49. Claim 19 has been rewritten in independent form as claim 50. Accordingly, claims 47-50 are believed to be in form for allowance.

Claim 15, as presented herein, depends from claim 47 and is therefore also believed to be in form for allowance.

**Response to Rejection of Claims**

**Claim 1**

Claim 1 is amended herein and is directed to an absorbent article comprising a unitary system of microlayered film constructed and arranged for performing multiple functions of such absorbent article. The system comprises;

at least one first microlayer film region having a liquid intake function,

at least one second microlayer film region having a liquid retention function, and

at least one third microlayer film region having a liquid barrier function,

said at least one first microlayer film region having a construction that is at least in part different from a construction of said at least one second microlayer film region and of said at least one third microlayer film region.

The claim is amended to clarify that the different constructions of the microlayer film regions provide for the different functions performed by the respective regions. See, e.g., paragraph [0052] of the present application. For example, as discussed in paragraph [0052], in one embodiment the intake region film may be constructed to have apertures while the microlayer films of one or more of the other regions may not be apertured. In other embodiments, microchannels formed in the film regions may be sized different in different ones of the film regions to provide different functions. See, e.g., paragraph [0060].

Claim 1 as amended is submitted to be unanticipated by and patentable over the references of record, and in particular, U.S. Patent No. 6,071,450 (the '450 Patent) and U.S. Patent Application Publication No. 2004/0091677 (the '677 Application), in that whether considered alone or in combination, the references fail to show or suggest an absorbent article comprising a unitary system of microlayered film constructed and arranged for performing the multiple functions of the absorbent article, with first, second and third microlayer regions each performing a particular function and being constructed at least in part different from each other.

The '450 Patent, with particular reference to Fig. 3, discloses an absorbent article (e.g., diaper 100) having an outer cover layer 120, a liquid permeable liner layer 130, and an absorbent body 140 located between the outer cover layer and the liner layer. The outer cover layer 120 is a water

degradable microlayer polymer film and generally serves a barrier function. None of the other components of the article are disclosed or suggested by the '450 Patent as being microlayer films.

Rather, the liner layer 130 and the absorbent body 140 disclosed by the '450 Patent are conventional. More specifically, the '450 Patent indicates that the liner layer 130 can be manufactured from porous foams, reticulated foams, apertured plastic films, natural fibers, synthetic fibers, or a combination of natural and synthetic fibers. The absorbent body 140 can be made from a matrix of substantially hydrophilic fibers having a distribution of high-absorbency material, such as particles of superabsorbent polymer. Thus, the '450 Patent fails to teach or suggest that the liner 130 or the absorbent body 140 can be made from microlayer films. Accordingly, the '450 Patent lacks any teaching of a first microlayer film region having a liquid intake function and at least one second microlayer film region having a liquid retention function.

In addition, there is no teaching found in the '450 Patent that the microlayer polymer film, which functions only as the outer cover layer (i.e., barrier layer) also provides a liquid intake and a liquid retention function. Rather, these functions are provided respectively by the liner 130 and absorbent body 140 (neither of which are constructed of microlayer films as recited in claim 1) disclosed in the '450 Patent. Accordingly, the '450 Patent discloses the use of a single microlayer polymer film that is constructed and arranged for performing a single function of the absorbent article, and not the multiple functions recited in amended claim 1.

It appears from the final Office action that the Office has taken the position that the outer cover layer disclosed in the

'450 Patent can by itself provide each of the functions recited in claim 1. While applicants disagree with such a position, claim 1 has been amended herein to recite that the first microlayer film region at least in part has a construction that is different from a second microlayer and a third microlayer film region. That is, the different constructions of the respective microlayer film regions allow for the different functions to be achieved.

In the '450 Patent, the outer cover layer has a generally uniform construction. That is, there is no difference in construction from one region or microlayer to the next. Thus, even if the outer cover layer of the '450 Patent can be characterized as having different microlayer film regions as posed in the final Office action, each of the regions are of the same construction. As a result, the '450 Patent further fails to teach or suggest an absorbent article including at least one first microlayer film region having a construction that is different from the construction of the at least one second microlayer film region and of the at least one third microlayer film region as recited in amended claim 1.

The '677 Application discloses a multi-microlayer polymer film structure that includes a plurality of layers of an elastomeric, melt-extrudable polymer and a plurality of corrugated layers comprised of a melt-extrudable polymer. The plurality of elastomeric layers and plurality of corrugated layers are arranged in a series of parallel repeating laminate units, with each laminate unit comprising at least one of the elastomeric layers and at least one of the corrugated layers. The corrugations form void spaces in each microlayer that can be used to modify or enhance properties of the microlayer film, such as improved fluid retention and distribution. The '677

Application discloses that these multi-microlayer polymer films can be used in absorbent articles.

However, the '677 Application fails to disclose first, second and third microlayer film regions that are constructed different from each other to provide the different functions recited in claim 1. In particular, there is no teaching or suggestion made in the '677 Application that the multiple layers of laminate units that make up the multi-microlayer structure are constructed different from each other in some manner. Rather, the laminate units are of the same construction, e.g., material, corrugation amplitude, corrugation frequency, void channels, etc. That is, there is no teaching or suggestion for varying this construction from one layer (or region) to the next.

For these reasons, claim 1 as amended herein is submitted to be unanticipated by and patentable over the references of record including the '450 Patent and the '677 Application.

Claims 2-14, 16-18, 20, 21, 40, 41, 44-46, 51, and 52 depend either directly or indirectly from amended claim 1 and are submitted to be patentable over the references of record for at least the same reasons as claim 1.

#### Claim 22

Amended claim 22 is directed to an absorbent article comprising a liquid intake region a liquid retention region and a barrier region, at least the liquid retention region and the barrier region each comprising microlayer films, the liquid retention region having a construction that is at least in part different from the barrier region.

Amended claim 22 is submitted to be unanticipated by and patentable over the references of record, and in particular the

'450 Patent and the '677 Application for reasons similar to claim 1, i.e., whether considered alone or in combination, the references fail to show or suggest an absorbent article comprising a liquid retention region and a barrier region, each comprising microlayer films and having different constructions from each other.

As discussed above in connection with claim 1, there is no teaching found in the '450 Patent that the microlayer polymer film, which functions only as the outer cover layer (i.e., barrier layer) also provides a liquid retention function. Rather, this function is provided by the absorbent body 140 (which is not constructed of microlayer films as recited in claim 22) disclosed in the '450 Patent. Accordingly, the '450 Patent discloses the use of a single microlayer polymer film that is constructed and arranged for performing a single function of the absorbent article (i.e., a barrier function), and not both a liquid retention function and a barrier function as recited in amended claim 22.

Moreover, the '450 Patent fails to disclose or suggest that the outer cover layer itself can provide both a retention function and a barrier function, nor that the outer cover layer has different regions that are constructed different from each other. In the '450 Patent, the outer cover layer has a generally uniform construction. That is, there is no difference in construction from one region or layer to the next. Thus, even if the outer cover layer of the '450 Patent can be characterized as having different microlayer film regions as posed in the final Office action, each of the regions are of the same construction. As a result, the '450 Patent further fails to teach or suggest an absorbent article including at least one liquid retention microlayer film region having a construction

that is different from the construction of a barrier microlayer film region as recited in amended claim 22.

The '677 Application also fails to disclose a liquid retention region and a barrier region, each constructed of microlayers and being constructed different from each other. In particular, there is no teaching or suggestion made in the '677 Application that the multiple layers of laminate units that make up the multi-microlayer structure are constructed different from each other in some manner. Rather, the laminate units are of the same construction, e.g., material, corrugation amplitude, corrugation frequency, void channels, etc. That is, there is no teaching or suggestion for varying this construction from one layer (or region) to the next.

For these reasons, claim 22 as amended herein is submitted to be unanticipated by and patentable over the references of record including the '450 Patent and the '677 Application.

Claims 23-25, 42, and 43 depend from claim 22 and are submitted to be patentable over the references of record for at least the same reasons as claim 22.

### **New Claims 51 and 52**

#### **Claim 51**

Claim 51 depends from claim 1 and recites that the first microlayer film region has a plurality of perforations therein for allowing liquid to pass therethrough, the first microlayer film region defining a bodyside liner of the article, the third microlayer film region being substantially impermeable to liquids and defining a barrier liner of the article.

Claim 51 is further submitted to be patentable over the references of record, including the '450 Patent and the '677 Application, in that whether considered alone or in combination

the references fail to disclose or otherwise suggest an absorbent article having a microlayer film region with perforations and another microlayer film region being substantially liquid impermeable. Neither the '450 Patent nor the '677 patent disclose or otherwise suggest two different microlayer film regions constructed in this manner.

Claim 52

Claim 52, which depends from claim 51, further recites that the second microlayer film region is disposed between the bodyside liner and the barrier liner. The references of record, including the '450 Patent and the '677 Application, fail to disclose or otherwise suggest sandwiching a second microlayer film region having a liquid retention function between microlayer films that have different functions from each other.



**Conclusion**

In view of the foregoing, favorable consideration and allowance of claims 1-18, 20-25, and 40-52 is respectfully requested.

The Commissioner is hereby authorized to charge the fee for the additional claims to Deposit Account No. 19-1345. The Commissioner is also authorized to charge any fee deficiency in connection with this Amendment B to Deposit Account Number 19-1345 in the name of Senniger Powers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Bridge". The signature is fluid and cursive, with the first name "Richard" and last name "Bridge" being clearly legible despite the cursive style.

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